



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT PLANNING AND DEVELOPMENT**

Application Number: 2306858
Applicant Name: Brittani Ard for Tim Linehan
Address of Proposal: 1538 NE 98th St

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one (1) parcel into two (2) parcels of land. Proposed parcel sizes are: A) 5,008 square feet and B) 8,008 square feet. The existing principal structure is to remain and the associated garage is to be demolished. At the time of this decision there were no building permits related to this subdivision.

The following approval is required:

- **Short Subdivision** - to subdivide one (1) existing parcel into two (2) parcels.
 - (Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

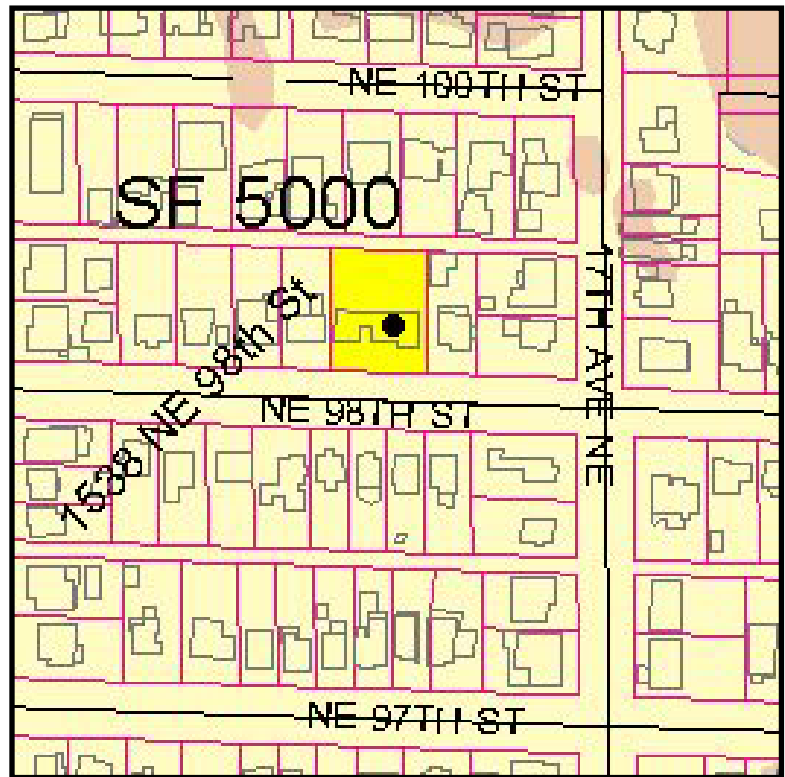
☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

The 12,827 square foot rectangular shaped site is located in a Single Family residential zone with a minimum lot size of 5,000 square feet (SF 5000), in the northeast area of Seattle. The parcel is located between 15th & 17th Avenues NE with street frontage on NE 98th St. NE 98th St is paved but does not have curbs, gutters, or sidewalks. There is a sixteen (16') foot gravel alley that abuts the rear property line, which will provide vehicle access to the existing residence as well as any new residence proposed on the newly created lot. There is an existing house on the site, which is to remain and the existing garage is to be demolished. The subject lot has a distinctive change in elevation; the slope is at the highest elevation is near the southwest corner and slopes downward to the northeast corner of the lot. Currently, vehicle access to the garage is from NE 98th St.



Surrounding properties and blocks are zoned Single-Family 5000 (SF 5000). Development in the area consists of a variety of one, two-story single-family houses of varying age and architectural style on a variety of lot sizes, ranging in size from approximately 5,000 – 8,000 sq ft.

Proposal

The proposal is to subdivide one (1) parcel of land into two (2) parcels. Proposed lot areas are indicated in the summary above. Proposed parcels A and B will have direct pedestrian access to NE 98th St, with vehicle access provided by the adjacent alley (16') to the rear of the proposed properties.

The subject of this analysis and decision is only the proposed division of land.

Public Comment

The original comment period was set to end on November 19th, but was extended at the request of a citizen. During the public comment period which ended December 3rd, 2003. DPD received

approximately eight (8) written comments related to parking, privacy, alley maintenance, and related construction impacts.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for Single Family residential with a minimum lot size of 5,000 square feet (SF 5000). The allowed use in a single family zone is one dwelling unit per lot, with accessory dwellings permitted within the principal structure in accordance with (SMC 23.44.041). Maximum lot coverage is 35%. Front setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, which ever is less. The minimum side yard setback is five (5) feet. Minimum required rear yard is twenty-five (25) feet or 20% of lot depth. The lots created by this proposed division of land will conform to all development standards of the SF 5000 zoning designation. The proposed parcels meet the minimum lot size requirement of the zone and provide adequate buildable area to meet applicable yards, lot coverage requirements, and other Land Use Code development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Proposed parcels A and B will have direct vehicle access to the adjacent sixteen (16) foot gravel alley and will have direct pedestrian access to NE 98th St. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and does not require an easement to provide for electrical facilities and service to the proposed lots. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on October 27th, 2003. Public sanitary sewers (PSS) in the alley and also in NE 98th St are available and accessible to the new proposed parcel. This portion of the City is served by the “informal drainage system” where there is a ditch and culvert system on the far side of NE 98th St. This area is within the Thornton Creek Drainage sub-basin. The mapped soil type in this vicinity is Vashon Till.

Stormwater detention, with controlled release to the ditch and culvert in NE 98th St, is likely to be required for construction in excess of 2000sf developmental coverage. Plan review requirements will be made at time of building permit application in accordance with any applicable stormwater ordinances in effect at that time. If the project is greater than 5000 square feet of new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC 22.802.015D and 22.802.020, may be required.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

One objective of the short subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

There are (9) coniferous trees located on or around the perimeter of the site. Most or all of these trees can be preserved, depending upon the location any future construction, and the extent of the root systems and the overall health of the trees. Thus the proposal has been designed to maximize the retention of existing trees on the property. Future construction will be subject to the provisions of SMC 23.44.008 which sets forth tree planting requirements on single family lots. Also, future construction permits will be subject to SMC 25.11 (Tree Protection), which contemplates exceptional and significant

tree protection. The genus and species names for the tree located on site are required for review of the applicable tree protection codes, therefore proper conditioning is warranted.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This Short Subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. The eaves on the existing structure shall be scaled/cut back so that the eave and gutter together project a maximum of eighteen (18") inches into the required westerly side yard, which abuts the common lot line between parcels A and B. This required permit must be finalized prior to recording and the project number, permit number and general project description shall be added to the face of the plat. Alternatively, a side yard easement may be provided pursuant to 23.44.014-D2.
4. Parking shall be established on parcel B by permit for the existing structure. Parking for the existing structure is to be relocated from the garage (to be demolished) to proposed parcel B in conforming location. This permit must be finalized prior to recording and the project number, permit number and general project description shall be added to the face of the plat.
5. The genus and species names of the trees on site shall be listed for review of the applicable tree protection ordinance.

Prior to Issuance of Building Permit

6. A copy of this short subdivision shall be attached to all related building permit applications.
7. Vehicle access from NE 98th St shall be eliminated. The existing paving and driveway shall be eliminated, to be replaced with vegetation and or grass.
8. A no protest agreement shall be recorded as the abutting right-of-way (NE 98th St) does not meet the minimum paved road way width required by the Street Improvement Manual.

Prior to Final Inspection of Building Permit

9. Future construction shall not worsen the existing condition of the abutting alley.

Signature: (signature on file) Date: December 22, 2003
Lucas DeHerrera, Land Use Planner
Department of Planning and Development
Land Use Services

LJD:bg

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